

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**MICHAEL MOATES, DC
CHRONICLE, and DC CHRONICLE
LIMITED,**

Plaintiffs,

v.

FACEBOOK, INC., and AT&T INC.

Defendants.

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Civil Action No.: 4:21-cv694-ALM-KPJ

ORDER

Pending before the Court is the Agreed Motion for Entry of Stipulation Regarding Deadlines Related to Motions to Transfer (the “Motion”) (Dkt. 16) filed jointly by Plaintiffs Michael Moates, DC Chronicle, and DC Chronicle Limited (together, “Plaintiffs”) and Defendant Facebook, Inc. (“Facebook”). *See* Dkt. 16.

On October 7, 2021, Plaintiffs filed a Motion to Transfer Venue and Consolidate and in the Alternative Motion for Hearing on the Matter (“Plaintiff’s Motion to Transfer”) (Dkt. 15), wherein Plaintiffs request to: (1) transfer this action to the Southern District of Florida; and (2) consolidate this action with a separate litigation allegedly pending in the Southern District of Florida. *See* Dkt. 15 at 2–3. In the Motion, Plaintiffs and Facebook represent that Facebook intends to file a separate motion requesting to transfer this action to the Northern District of California. *See* Dkt. 16 at 2. Plaintiffs and Facebook further represent Plaintiffs intend to dismiss Defendant AT&T from this action no later than October 27, 2021. *See id.* at 2. In light of the foregoing representations, Plaintiffs and Facebook request the Court enter an order setting certain briefing deadlines stipulated to by the parties. *See id.* at 1–2.

Although Defendant AT&T Inc., has not joined the Motion, Plaintiffs and Facebook represent that AT&T Inc., agrees to the Motion and the stipulations contained therein. Dkt. 16 at 3. Having considered the Motion, the Court finds that it should be **GRANTED**.

IT IS HEREBY ORDERED that Plaintiffs shall seek dismissal of Defendant AT&T Inc., no later than October 27, 2021.

IT IS FURTHER ORDERED that Facebook shall have until October 28, 2021, to file a response to Plaintiffs' Motion to Transfer (Dkt. 15). Plaintiffs shall file a reply, if any, no later than November 12, 2021.

IT IS FURTHER ORDERED that Facebook shall have until October 28, 2021, to file a motion to transfer venue. If such motion is timely filed, Plaintiffs shall file a response, if any, no later than November 12, 2021, and Defendant Facebook shall file a reply, if any, no later than November 19, 2021.

IT IS FURTHER ORDERED that all deadlines in this matter, including deadlines to file responsive pleadings with the Court, are tolled until the Court rules on Plaintiff's Motion to Transfer (Dkt. 15) and Facebook's motion to transfer, if filed. Upon the Court's resolution of such motions, Facebook shall have a minimum of twenty-one (21) days to file an answer or otherwise respond to Plaintiffs' Complaint (whether in this Court or state court).

So ORDERED and SIGNED this 19th day of October, 2021.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE